

The Georgia Board of Examiners of Licensed Practical Nurses met in Conference Room 104 of the Professional Licensing Boards Division of the Georgia Secretary of State, located at 237 Coliseum Drive, Macon, Georgia 31217.

WEDNESDAY, AUGUST 22, 2012

MEMBERS PRESENT

Barbara Mitchell, RN, NHA, Chair
Jane Harte Sipple, LPN, CPUR, CCDS, Vice Chair
Fredetena "Tina" Fletcher, LPN
Kellie R. Lockwood, RN, MSN
Krista Andrea Phipps, LPN

MEMBERS ABSENT

Patricia Z. Marshall, LPN, NAAC

STAFF PRESENT

James Cleghorn, Executive Director
Janet Jackson, Assistant Attorney General
Susan Anderson, RN, MSN, Nursing Consultant-Education
Ron Thomason, Staff Attorney, Legal Services
Opie Bowen, Staff Attorney, Legal Services

Mrs. Mitchell called the meeting to order at 9:35 a.m. on Wednesday, August 22, 2012. A quorum to conduct disciplinary matters was determined to exist.

PERSONAL APPEARANCE

AB-LPNI100108
CO-LPNI130025

EXECUTIVE DIRECTOR'S REPORT

Mr. Cleghorn reported on the following administrative items:

- Status report on applications, complaints/compliance and final dispositions for June 2012 and July 2012
- Rule Changes
- Clinical Hour Request
- Endorsement Applications – Clock Hour Deficiencies
- Nursing Education Accreditation
- NCSBN Annual Delegate Assembly

EXECUTIVE SESSION

Ms. Sipple moved, Ms. Phipps seconded and the Board voted to enter into **Executive Session** in accordance with O.C.G.A. §§43-1-2 (k); 43-1-19 (h); 43-26-5 (c) and 43-26-11, to deliberate on applications and enforcement matters and to receive information on applications, investigative cases and pending cases. The motion passed unanimously.

At the conclusion of Executive Session on Wednesday, August 22, 2012, Ms. Mitchell declared the meeting to be "open" pursuant to the Open and Public Meeting Act, O.C.G.A. §§ 50-14-1 et seq.

POLICIES

Ms. Fletcher moved to refer dispositions for basic impairment orders to Legal Services. Ms. Sipple seconded the motion and it carried unanimously.

APPLICATION REVIEW

(LPNI = Licensed Practical Nurse Investigative Case Number)

Applicant A.R., #1778760 – Ms. Phipps moved to proceed with licensure by endorsement. Ms. Lockwood seconded the motion and it carried unanimously.

Applicant D.B., #1770824 – Ms. Phipps moved to proceed with licensure by examination with a Letter of Concern re: Criminal. Ms. Lockwood seconded the motion and it carried unanimously.

Applicant S.M., #1773704 – Ms. Fletcher moved that upon receipt of documentation of completion of probation, to proceed with licensure by reinstatement with a Letter of Concern re: Alcohol and Criminal. Ms. Phipps seconded the motion and it carried unanimously.

Applicant G.C., #1723611 – Ms. Fletcher moved to deny licensure based on insufficient education. Ms. Lockwood seconded the motion and it carried unanimously.

CONSENT AGREEMENTS/ORDERS – ATTORNEY GENERAL'S OFFICE

(LPNI – Registered Nurse Investigative Case Number)

Ms. Fletcher moved to accept the Attorney General's status and activity report and to accept the following consent agreements/orders as prepared by the Attorney General's office:

LPNI050212

Ms. Sipple seconded the motion and it carried unanimously.

LPNI090093 – Ms. Sipple moved to accept consent order as presented to the Board. Ms. Fletcher seconded the motion and it carried unanimously.

MENTAL/PHYSICAL EXAMINATION REVIEW

(LPNI = Licensed Practical Nurse Investigative Case Number)

LPNI100012 – Ms. Lockwood moved to refer to the Attorney General's office for a hearing or private reprimand to include courses in Documentation and Medication Administration. Ms. Fletcher seconded the motion and it carried unanimously.

LPNI110033 – Ms. Phipps moved to close the case with a Letter of Concern re: Unprofessional Conduct. Ms. Fletcher seconded the motion and it carried unanimously.

LPNI120050 – Ms. Lockwood moved to close the case with a Letter of Concern re: Unprofessional Conduct. Ms. Phipps seconded the motion and it carried unanimously.

LPNI120109 – Ms. Sipple moved to close the case with a Letter of Concern re: Drugs. Ms. Fletcher seconded the motion and it carried unanimously.

LPNI120191 – Ms. Phipps moved to refer to the Attorney General's office for a hearing or public consent agreement for reinstatement of licensure to include probation for five (5) years, substance abuse stipulations, two (2) years narcotic restrictions, quarterly reports (employer, aftercare and personal), monthly random drug screens for six (6) months, quarterly random drug screens for duration of probationary period. Licensee must continue current medication regimen. Ms. Sipple seconded the motion and it carried unanimously.

LPNI110436 – Ms. Phipps moved to refer to the Attorney General's office for a voluntary surrender; or a hearing or private consent order to include probation for three (3) years, substance abuse stipulations and quarterly reports (employer, aftercare and personal). Ms. Lockwood seconded the motion and it carried unanimously.

FAILURE TO MEET EDUCATION REQUIREMENTS

(LPNI = Licensed Practical Nurse Investigative Case Number)

LPNI110019 – Ms. Sipple moved to refer to the Attorney General's office for revocation based on fraudulent education. Ms. Phipps seconded the motion and it carried unanimously.

COMPLAINT INVESTIGATION REVIEW

(LPNI = Licensed Practical Nurse Investigative Case Number)

LPNI120153 – Ms. Sipple moved to close the case with a Letter of Concern re: Unprofessional Conduct. Ms. Fletcher seconded the motion and it carried unanimously.

LPNI120175 – Ms. Lockwood moved to refer to Legal Services to order licensee to have an outpatient MPE. Results are to be reviewed by the cognizant Board member and the legal/disciplinary nurse consultant. If warranted, refer to Legal Services or the Attorney General's office for a hearing or consent order utilizing evaluation results and/or recommendations. If not warranted, close the case. Ms. Sipple seconded the motion and it carried unanimously.

LPNI120010 – Ms. Phipps moved to deny attorney's request based on O.C.G.A. § 43-1-19(h). Ms. Lockwood seconded the motion and it carried unanimously.

LPNI120108 – Ms. Sipple moved to close the case. Ms. Phipps seconded the motion and it carried unanimously.

LPNI130011 – Ms. Sipple moved to refer to Legal Services for a hearing or private consent order to include a fine of \$250 for failure to disclose. Ms. Fletcher seconded the motion and it carried unanimously.

LPNI120230 – Ms. Phipps moved to close the case with a Letter of Concern re: Unprofessional Conduct. Ms. Sipple seconded the motion and it carried unanimously.

VIOLATION OF CONSENT ORDER

(LPNI = Licensed Practical Nurse Investigative Case Number)

LPNI070047 – Ms. Fletcher moved to refer to Legal Services to order licensee to have an outpatient MPE. Results are to be reviewed by the cognizant Board member and the legal/disciplinary nurse consultant. If warranted, refer to Legal Services or the Attorney General's office for a hearing or consent order utilizing evaluation results and/or recommendations. If not warranted, close the case. Ms. Phipps seconded the motion and it carried unanimously.

LPNI070169 – Ms. Sipple moved to refer to Legal Services for a hearing or public consent order to include probation for two (2) years, substance abuse stipulations and quarterly reports (employer, aftercare and personal). Ms. Phipps seconded the motion and it carried unanimously.

LPNI100175 – Ms. Fletcher moved to refer to the Attorney General's office for a voluntary surrender or an indefinite suspension. Deny renewal of licensure based on violation of amended consent order. Ms. Lockwood seconded the motion and it carried unanimously.

VIOLATION OF MPE ORDER

(LPNI = Licensed Practical Nurse Investigative Case Number)

LPNI120012 – Ms. Lockwood moved to close the case with a Letter of Concern re: Drugs. Ms. Sipple seconded the motion and it carried unanimously.

LPNI110149 – Ms. Phipps moved to deny renewal of licensure and refer to the Attorney General's office for a voluntary surrender or an indefinite suspension. Ms. Sipple seconded the motion and it carried unanimously.

LPNI110148 – Ms. Phipps moved to deny renewal of licensure based on violation of private consent order and to refer to the Attorney General's office for a voluntary surrender or an indefinite suspension. Ms. Sipple seconded the motion and it carried with Ms. Lockwood abstaining.

REQUEST FOR EARLY TERMINATION

(LPNI = Licensed Practical Nurse Investigative Case Number)

LPNI120222 – Ms. Lockwood moved to approve request for early termination of consent order. Ms. Phipps seconded the motion and it carried unanimously.

REQUEST TO LIFT NARCOTIC RESTRICTIONS

(LPNI = Licensed Practical Nurse Investigative Case Number)

LPNI090157 – Ms. Fletcher moved to lift narcotic restrictions. Ms. Lockwood seconded the motion and it carried unanimously.

VIOLATION OF MPE ORDER

(LPNI = Licensed Practical Nurse Investigative Case Number)

LPNI100263 – Ms. Phipps moved to refer to the Attorney General's office for a voluntary surrender or an indefinite suspension based on violation of MPE order. Ms. Sipple seconded the motion and it carried unanimously.

LPNI080225 – Ms. Phipps moved to reject MPE and withdraw reinstatement application due to expiration. To be considered for licensure, the applicant must complete and submit a new application and a complete MPE. Ms. Sipple seconded the motion and it carried unanimously.

INVESTIGATIONS

(LPNI = Licensed Practical Nurse Investigative Case Number)

LPNI120168 – Ms. Fletcher moved to refer to Legal Services to order licensee to have an outpatient MPE. Results are to be reviewed by the cognizant Board member and the legal/disciplinary nurse consultant. If warranted, refer to Legal Services or the Attorney General's office for a hearing or consent order utilizing evaluation results and/or recommendations. If not warranted, close the case. Ms. Lockwood seconded the motion and it carried unanimously.

LPNI090097 – Ms. Sipple moved to refer to the Attorney General's office for a public interim agreement not to practice. The respondent must submit a mental/physical examination and resolution of criminal case as a condition of return to practice. Ms. Lockwood seconded the motion and it carried unanimously.

LPNI110123 – Ms. Fletcher moved to refer to Legal Services for a hearing or private consent order to include courses in Nurse Practice Act, Righting a Wrong: Ethics and Professionalism in Nursing and Professional Accountability. Ms. Sipple seconded the motion and it carried unanimously.

LPNI110332 – Ms. Sipple moved to refer to the Attorney General's office for a hearing as a result of the respondent declining to sign Cease and Desist order. Send records to California Board of Vocational Nursing. Ms. Phipps seconded the motion and it carried unanimously.

LPNI110567 – Ms. Lockwood moved to close the case with a Letter of Warning citing the law as it relates to the use of the title "nurse" and "LPN." Ms. Sipple seconded the motion and it carried unanimously.

LPNI110610 – Ms. Phipps moved to close the case. Ms. Fletcher seconded the motion and it carried unanimously.

LPNI120017 – Ms. Fletcher moved to refer to Legal Services to order licensee to have an outpatient MPE. Results are to be reviewed by the cognizant Board member and the legal/disciplinary nurse consultant. If warranted, refer to Legal Services or the Attorney General's office for a hearing or consent order utilizing evaluation results and/or recommendations. If not warranted, close the case. Ms. Lockwood seconded the motion and it carried unanimously.

LPNI120047 – Ms. Sipple moved to close the case. Ms. Phipps seconded the motion and it carried unanimously.

LPNI120180 – Ms. Sipple moved to refer to the Attorney General's office for a voluntary surrender or an indefinite suspension until resolution of criminal case. Ms. Phipps seconded the motion and it carried unanimously.

LPNI120188 – Ms. Lockwood moved to refer to the Attorney General's office for a voluntary surrender or an indefinite suspension based on noncompliance with board order and failure to disclose. Ms. Phipps seconded the motion and it carried unanimously.

INVESTIGATIVE INTERVIEW

(LPNI = Licensed Practical Nurse Investigative Case Number)

LPNI120211 – Ms. Fletcher moved to rescind previous Board motion from June 6, 2012 Board meeting; refer to Legal Services for a hearing or private consent order to include courses in Critical Thinking, Scope of Practice, Professional Accountability and Assessment; and amend language in paragraphs 3 and 4 of the proposed consent order as suggested by the Attorney General. Ms. Lockwood seconded the motion and it carried unanimously.

LPNI070161 – Ms. Sipple moved to rescind the previous Board motion from the April 4, 2012 Board meeting and close the case. Ms. Lockwood seconded the motion and it carried unanimously.

PERSONAL APPEARANCE

(LPNI = Licensed Practical Nurse Investigative Case Number)

LPNI100108 – Ms. Sipple moved to refer to Legal Services for a hearing or private consent order to include a fine of \$250 for failure to disclose. Ms. Lockwood seconded the motion and it carried unanimously.

LPNI130025 – Ms. Lockwood moved to refer to the Attorney General's office for a hearing or public consent agreement to mirror the Virginia Board of Nursing consent order. Ms. Sipple seconded the motion and it carried unanimously.

EDUCATION REPORT

SITE VIST REPORT

Atlanta Technical College – A site visit was conducted on June 28, 2012. Ms. Anderson requested that Atlanta Technical College submit a Self-Evaluation Report/Strategic plan.

PROPOSED RULE 400-3.

Ms. Sipple moved to post the proposed changes to 400-3. Ms. Lockwood seconded the motion and it carried unanimously.

Ms. Lockwood moved that the formulation and adoption of these rules does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rules cannot be reduced by a less expensive alternative that fully accomplishes the objectives of the applicable laws as required by O.C.G.A. § 50-13-4. Ms. Fletcher seconded the motion and it carried unanimously.

EXECUTIVE SESSION

Ms. Phipps moved, Ms. Sipple seconded and the Board voted to enter into **Executive Session** in accordance with O.C.G.A. §§43-1-2 (k); 43-1-19 (h); 43-26-5 (c) and 43-26-11, to deliberate on applications and enforcement matters and to receive information on applications, investigative cases and pending cases. The motion passed unanimously.

At the conclusion of Executive Session on Wednesday, August 22, 2012, Ms. Mitchell declared the meeting to be "open" pursuant to the Open and Public Meeting Act, O.C.G.A. §§ 50-14-1 et seq.

PETITION WAIVER – COURTNEY BERSHERS

Ms. Fletcher moved to deny request for a waiver. The Board does not have the legal authority to waive the requirements set by statute. Ms. Lockwood seconded and the motion carried unanimously.

CORRESPONDENCE – YCARTE HEALTH SERVICES

Ms. Sipple moved to approve the refresher program. Ms. Fletcher seconded and the motion carried with Ms. Lockwood abstaining.

LEGAL/DISCIPLINE COGNIZANT CASES REPORT

(LPNI=Licensed Practical Nurse Investigative Case Number)

Ms. Lockwood moved to ratify the Cognizant's recommendations from the following complaints:

LPNI080201	LPNI120179	LPNI120178	LPNI120188	LPNI110017	LPNI110602	LPNI110418
LPNI120047	LPNI120182	LPNI110608	LPNI120001	LPNI120006	LPNI100006	LPNI110616
LPNI100074	LPNI110567	LPNI090109	LPNI100279	LPNI120148	LPNI120170	LPNI090146
LPNI110386	LPNI120188	LPNI120185	LPNI120039	LPNI110149	LPNI120158	LPNI120034
LPNI110306	LPNI120167	LPNI110123	LPNI120169	LPNI120032	LPNI110352	LPNI120156
LPNI100022	LPNI120094	LPNI110284	LPNI100333	LPNI074274	LPNI046227	LPNI110206
LPNI090038	LPNI120180	LPNI110610	LPNI120017	LPNI110332	LPNI120219	LPNI130005
LPNI130010	LPNI120061	LPNI120001	LPNI110004	LPNI120228	LPNI130020	LPNI130021
LPNI120237	LPNI130026					

Ms. Phipps seconded the motion and it carried unanimously.

APPLICATION REVIEWS AND APPROVAL OF LICENSURE

(LPNI = Licensed Practical Nurse Investigative Case Number)

Ms. Sipple moved to accept the Cognizant Report regarding unlicensed/unauthorized practice and to refer identified cases to Legal Services for issuance of a Private Consent Order. Ms. Phipps seconded the motion and it carried unanimously.

APP#1758134

APPLICATION REVIEWS AND APPROVAL OF LICENSURE

Ms. Phipps moved, Ms. Sipple seconded and the Board voted to approve applications for licensure for the months of June 2012 through July 2012 that were determined, pursuant to Board approved guidelines, to have met licensure requirements.

APPROVAL OF MINUTES

Ms. Lockwood moved to approve the June 6, 2012 Board Meeting Executive Session Minutes. Ms. Phipps seconded the motion and it carried unanimously.

Ms. Lockwood moved to approve the June 6, 2012 Board Meeting Minutes as corrected. Ms. Phipps seconded the motion.

There being no further business, the meeting adjourned at 6:15 p.m.

Barbara Mitchell, RN, NHA, **President**

James Cleghorn, **Executive Director**